

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BRANDON IRVING NICHOLS,
#23503,

Plaintiff,

V.

BRANDON BODY, et al.,

Defendants.

Case No. 6:25-cv-6-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Brandon Irving Nichols, an inmate of the Wood County Detention Center proceeding pro se and *in forma pauperis*, filed this lawsuit alleging violations of his constitutional rights in jail. Docket No. 1. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition of the action.

On January 10, 2025, Judge Love issued a Report recommending that Plaintiff's case be dismissed with prejudice as frivolous and for failure to state a claim pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2). Docket No. 9. The Report was sent to Plaintiff and Plaintiff acknowledged receipt. Docket No. 10. Plaintiff has not filed objections and the time to do so has passed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not file any objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 9) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** with prejudice for failure to state a claim upon which relief can be granted. Any pending motions are **DENIED** as moot.

So **ORDERED** and **SIGNED** this 24th day of **February, 2025**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE

